

# **INDIANA BOARD OF PHARMACY**

## **Indiana Professional Licensing Agency**

Conference Center Room W064  
402 W. Washington St.  
Indianapolis, IN 46204

**MINUTES OF March 9, 2009**

### **CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer Del Fanning called the meeting to order at 9:10 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

#### **Board Members Present:**

Del T. Fanning, R.Ph., President  
Lora Williams, Consumer Member, Vice President  
Donna Wall, PharmD., R.Ph, Member  
Sara St. Angelo, PharmD, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Steve Anderson, R.Ph., Member  
Bill Cover, RPh., Member

#### **Board Members not in attendance:**

#### **State Officials Present:**

Marty Allain, Board Director, Indiana Professional Licensing Agency  
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency  
Gordon White, Advisory Counsel

A motion was made and seconded to adopt the agenda.

**Landis/St. Angelo**

**Motion carried 7/0/0**

A motion was made and seconded to adopt the February 2009 Minutes with corrections.

**Cover/St. Angelo**

**Motion carried 7/0/0**

Compliance Officers presented their reports.

A motion was made and seconded to approve the following probationary appearances:

Gregory Dodds  
Tony Jacobs  
Elaine Mittelkamp  
Michael Werner  
Eric Blemker  
Mark Huntsinger

**Fanning/St. Angelo**

**Motion carried 7/0/0**

A motion was made and seconded to approve the following probationary appearances:

Gerry Bowman  
Christopher Curry  
Dennis Mock  
Linda Rodeman  
Keith Schmitt  
Valerie Ziemkowski  
Scott Kaczynski  
Tina King

**Fanning/St. Angelo**

**Motion carried 7/0/0**

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft  
Barbara Chew  
Tracy Davis  
Philip Faroh  
Thomas Goodge  
Christine Nafe  
Jeffrey Opel  
Melanie Powell  
Phil Pharoah

**Fanning/Cover**

**Motion carried 7/0/0**

A motion was made and seconded to approve the following probationary appearances:

Lawrence Brassard  
Robert Jaberg  
Angela Kruer  
Thomas MacLean  
Jon Stelter  
Stephen Szalewski  
Adam Wheeler

**Fanning/Cover**

**Motion carried 7/0/0**

The following failed to appear Bilbry, Mathis, Moore, Stewart, Voight, Samuel Young,

*Mr. Cover left to attend a meeting with Mr. Allain.*

Leon Kropiwnicki failed to appear before the board as requested regarding his pharmacist license renewal application. The Board voted to deny the renewal application.

**Landis/St. Angelo**

**Motion carried 6/0/0**

Bradley Adams failed to appear before the board regarding a positive response on his pharmacy technician application. A motion was made and seconded to table the application and request a personal appearance at the April meeting.

**Landis/Wall**

**Motion carried 6/0/0**

Courtney Priest appeared before the board regarding a positive response on her pharmacy technician application. A motion was made and seconded to deny the application based on her current and previous conviction.

**Wall/Williams**

**Motion carried 5/1/0 (St. Angelo)**

Natasha Banks appeared before the board regarding a positive response on her pharmacy technician application. A motion was made and seconded to approve the application.

**Landis/Wall**

**Motion carried 6/0/0**

Brian Tran appeared before the board regarding a positive response on his pharmacy technician application. A motion was made and seconded to approve the application on probation.

**Landis/Anderson**

**Motion carried 6/0/0**

Susan Trammel appeared before the board regarding a positive response on her pharmacy technician application. A motion was made and seconded to approve the application on probation.

**Landis/St. Angelo**

**Motion carried 6/0/0**

Samantha Hadley appeared before the board regarding a positive response on her pharmacy technician application. A motion was made and seconded to approve the application.

**Wall/Anderson**

**Motion carried 6/0/0**

Maele Ingram appeared before the board regarding a positive response on her pharmacy technician application. A motion was made and seconded to deny the application based on her current and previous convictions.

**Landis/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Alan Smith**

License No. 26016831A

Administrative Cause No. 2008 IBP 0061

Re: Final Hearing

**Parties and Counsel Present:**

Christa Jewsbury, DAG

Mike McMains, Counsel for Respondent

Alan Smith, Respondent

**Participating Board Members:**

Fanning

St. Angelo

Williams

Landis

Anderson

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

Parties submitted a proposed settlement agreement.

**Board Action:**

A motion was made and seconded to accept the proposed settlement agreement placing his license on indefinite probation with additional terms.

**Landis/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Julie Flick**

License No. 26016926A

Administrative Cause No. 2008 IBP 0017

Re: Presentation of Settlement Agreement

**Parties and Counsel Present:**

Mark Mader, DAG

Michelle Baldwin, Counsel for Respondent

Julie Flick, Respondent

**Participating Board Members:**

Fanning

Williams

Landis

Anderson

Wall

**Witnesses for the Respondent:**

**Witnesses for the State:**

None

**Case Summary:**

Parties submitted a proposed settlement agreement.

**Board Action:**

A motion was made and seconded to accept the proposed settlement agreement placing her license on indefinite probation with additional terms.

**Wall/Anderson**

**Motion carried 5/0/1 (St. Angelo)**

**In the Matter of the Indiana Pharmacist License of Tara Feldhaus**

License No. 26018447A

Administrative Cause No. 2005 IBP 0055

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, DAG

Tara Feldhaus, Respondent

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Landis  
Anderson  
Wall

**Witnesses for the Respondent:**

Tara Feldhaus

**Witnesses for the State:**

None

**Case Summary:**

Respondent's license was placed on probation on December 28, 2006.

**Board Action:**

A motion was made and seconded to withdraw the probation against her license.

**St. Angelo/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Christopher King**

License No. 26015359A

Administrative Cause No. 2005 IBP 0030

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, DAG  
Christopher King, Respondent

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Landis  
Wall  
Anderson

**Witnesses for the Respondent:**

Christopher King

**Witnesses for the State:**

None

**Case Summary:**

Respondent's license was placed on probation on December 14, 2005.

**Board Action:**

A motion was made and seconded to withdraw the probation against his license.

**Anderson/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following continuing education hours:

|                                    |         |
|------------------------------------|---------|
| Wabash Valley Pharmaceutical Assoc | (3-1hr) |
| Karen Siefert                      | (3-1hr) |

|                                  |        |
|----------------------------------|--------|
| Nathan Gwinnup                   | (10.5) |
| Rebecca Martin                   | (0.5)  |
| Meredith Harper                  | (0.5)  |
| Sandra Siefers                   | (14)   |
| Sandra Siefers                   | (10.5) |
| Jennifer Shobert                 | (6)    |
| Viktorija Trakis                 | (0.5)  |
| Muataz Noffel                    | (10.5) |
| St. Joseph County Pharmacy Assoc | (1)    |

**Anderson/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to table the pharmacy technician application of Jessica Rose and request a personal appearance:

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the pharmacy technician training program for Regency Hospital of Northwest Indiana.

**Landis/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the license transfer application of Philip Franklin.

**St. Angelo/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Donn Olson**

License No. 26013161A

Administrative Cause No. 2007 IBP 0009

Re: Final Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

St. Angelo

Williams

Cover

Landis

Wall

Fanning

Anderson

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

An OTSC was issued adverse the Respondent's license.

**Board Action:**

A motion was made and seconded to deny Respondent's motion to continue the final hearing.

**Anderson/Williams**

**Motion carried 7/0/0**

A motion was made and seconded to issue a notice of proposed default.

**Williams/Anderson**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacist License of Jon Stelter**

License No. 26016558A

Administrative Cause No. 2001 IBP 0006

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, DAG

Jon Stelter, Respondent

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Anderson

**Witnesses for the Respondent:**

Jon Stelter

Carl Erdmann

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board to withdraw probation from his license.

**Board Action:**

A motion was made and seconded withdraw the probationary terms of Respondent's license.

**Landis/Williams**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacist License of James Dudek**

License No. 26092028A

Administrative Cause No. 2003 IBP 0021

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall  
Anderson

**Witnesses for the Respondent:**

James Dudek

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board to withdraw the probationary terms of his license.

**Board Action:**

A motion was made and seconded to withdraw the probation on Respondent's license.

**St. Angelo/Landis**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacist License of Susan Reynolds**

License No. 26020899A

Administrative Cause No. 2007 IBP 0069

Re: Order to Show Cause

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Anderson

**Witnesses for the Respondent:**

Carl Erdmann

Susan Reynolds

**Witnesses for the State:**

None

**Case Summary:**

An OTSC was issued by the board following the Respondent's failure to meet the terms of her probation.

**Board Action:**

A motion was made and seconded to take no action on the Respondent's license at this time.

**Landis/Anderson**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Nicole Grafe**

Certification No. 67011768A

Administrative Cause No. 2008 IBP 0023

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, DAG



Nicole Graf, Respondent

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Cover  
Landis  
Wall  
Anderson

**Witnesses for the Respondent:**

Nicole Graf

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board to withdraw her probationary terms.

**Board Action:**

A motion was made and seconded to withdraw the probation on Respondent's license.

**Cover/St. Angelo**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Jennifer Watts**

Certification No. 67009115A

Administrative Cause No. 2008 IBP 0013

Re: Default Hearing

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Cover  
Landis  
Wall  
Anderson

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed adverse the Respondent's license and a Notice of Proposed Default was issued following the Respondent's failure to appear for the final hearing on the Complaint.

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**Wall/St. Angelo**

**Motion carried 7/0/0**

A motion was made and seconded to revoke the Respondent's license.

**St. Angelo/Anderson**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Donnielle Shead**

Certification No. 67008613A

Administrative Cause No. 2005 IBP 0036

Re: Default Hearing

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Anderson

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed adverse the Respondent's license and a Notice of Proposed Default was issued following the Respondent's failure to appear for the final hearing on the Complaint.

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**Landis/Anderson**

**Motion carried 7/0/0**

A motion was made and seconded to indefinitely suspend Respondent's license.

**Anderson/St. Angelo**

**Motion carried 7/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Jana Ratliff**

Certification No. 67003759A

Administrative Cause No. 2008 IBP 0053

Re: Decision on Response to Notice of Proposed Default

A Notice of Proposed Default was entered against the Respondent on February 23, 2009. The Board received a timely response from Ms. Ratliff.

A motion was made and seconded to withdraw the Notice of Proposed Default and set the matter for final hearing.

**Anderson/St. Angelo**

**Motion carried 7/0/0**

## MISCELLANEOUS

Board Director's Report

Security Paper

A motion was made and seconded to Order CVS pharmacies and the Attorney General's Office to attend mediation in these matters.

**Anderson/Cover**

**Motion carried 7/0/0**

Board reviewed the current status of Rx security paper reapplication and approval process and made the following determinations:

There is no appeal process for the denial. Printers may reapply on or before August 1, 2009. The board will approve Rx security printer applications on or after August 1, 2009. As the Rx security feature paper rule has been in effect since 1996, there is no "grandparenting" of any paper printed or purchased that does not meet Indiana's security feature requirements.

State-by-State Budget Report was presented to the Board for its review.

Board reviewed the pharmacist intern application form. Board determined that the Sponsor Affidavit is not required for a pharmacist intern application if the "Certificate of Enrollment or Graduation of Pharmacy Education" is executed by the Secretary or Dean.

Designated board member shall review probationer file prior to any hearing on petition to withdraw probation.

Board selected Del Fanning as delegate and Steve Anderson and sub-delegate for NABP annual meeting.

The board agreed at the next board meeting shall begin at 8:00 a.m.

The meeting adjourned at 5:30 p.m.

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**Del Fanning, R.Ph., President**  
**Indiana Board of Pharmacy**

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**Date**

### **Next Scheduled Meeting:**

Monday, April 13, 2009  
Indiana Government Center South  
Room W064